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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Jerussi *et al.*

Confirmation No.: 7198

Application No: 10/691,628

Group Art Unit: 1626

Filed: October 24, 2003

Examiner: G. Shameem

For: COMPOSITIONS COMPRISING  
ZOPICLONE DERIVATIVES AND  
METHODS OF MAKING AND USING  
THE SAME

Attorney Docket No.: 4821-431

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Abandonment mailed January 8, 2007, in which the above-captioned application was deemed abandoned.

Pursuant to 37 C.F.R. § 1.181, Applicants respectfully petition that the holding of abandonment of this application be withdrawn. A Notice of Allowance issued in this application on July 14, 2006, setting forth that the issue and publication fees be submitted by October 16, 2006, which was a Monday. Applicants submitted, by facsimile, the required fee of \$1700.00 on October 16, 2006.

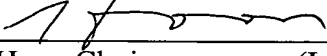
A copy of fees transmittal as submitted (which contained Certificate of Transmission), along with receipt confirmation received from the USPTO showing the date of transmission, is enclosed herein for evidence of Applicants' payment of the fees. In view of this timely made submission, Applicants respectfully request that the holding of abandonment of this application be withdrawn and this application proceed to grant.



No fee is believed to be due for this submission. However, should any fees be required for the submission of this paper, or to avoid abandonment of this application, please charge such fees to Jones Day Deposit Account No. 503013.

Respectfully Submitted,

Date: January 22, 2007

  
Hoon Choi L0209  
(Ltd. Recog. No.)  
**Jones Day**

For: Anthony M. Insogna (Reg. No. 35,203)  
**Jones Day**  
12750 High Bluff Drive, Suite 300  
San Diego, CA 92130  
(858) 314-1200



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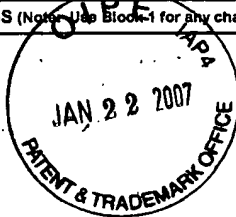
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Hoon/Choi

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,628	10/24/2003	Thomas P. Jerussi	4821-431-999	7198

**TITLE OF INVENTION:** METHODS OF USING NORFLUOXETINE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	No	\$1400	\$300.00	\$1,700.00	10/16/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHAMEEM, GOLAM M	1626	514-234200

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
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1. Jones Day

2.

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE:

Sepracor Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Marlborough, MA

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☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee (No small entity discount permitted)

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☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-3013 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature)

By: Hoon Choi  
(Att. Recog. No. 10209)

(Date)

10/16/06

Attorney Anthony M. Isogna

Registration No. 35,203

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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